



RECEIVED

SEP 10 2001

1653
PATENT
Attorney Docket No. 46124-5001-01

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

)

Masahiro IWAMOTO, et al.

)

Application No.: 09/902,772

)

Group Art Unit: 1653

Filed: July 12, 2001

)

Examiner: Not Yet Assigned

For: **CELL CALCIFICATION SUPPRESSING
PROTEINS, AND GENES OF
THE PROTEINS**

)
)
)

Commissioner for Patents

Washington D.C. 20231

Sir:

**SECOND PRELIMINARY AMENDMENT
TRANSMITTAL FORM**

1. Prior to the examination of the above-identified application, transmitted herewith is a Preliminary Amendment.
2. Additional papers enclosed:

- [X] Marked-Up Version of amended specification
[] Drawings: [] Formal [] Informal (Correction)
[] Information Disclosure Statement
[] Form PTO-1449, references included
[] Citations
[] Declaration of Biological Deposit
[X] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- [] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

[] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 390.00	\$195.00
[] three months	\$ 890.00	\$445.00
[] four months	\$1,390.00	\$695.00
[] five months	\$1,890.00	\$945.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for ___ months has already been secured and the fee paid therefor of \$445.00 is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	
Total Claims (37 C.F.R. § 1.16(c))	27 =	7	\$ 18.00 each =	+ \$ 126.00
Independent Claims (37 C.F.R. § 1.16(b))	12 =	9	\$ 80.00 each =	+ 720.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$	+ 270.00
SUB-TOTAL =				\$1,116.00
Reduction by ½ for filing by a small entity				- N/A
TOTAL FILING FEE =				\$1,116.00

6. Fee Payment

[] No fee is to be paid at this time.

[X] ENCLOSED:

1.	Additional total claims	\$ 126.00
2.	Independent claims	720.00
3.	Multiple dependent claims presentation.....	<u>270.00</u>
	Total amount of check.....	\$1,116.00

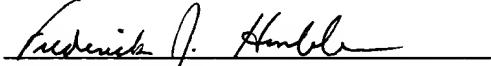
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 6, 2001

By:


Frederick J. Hamble
Reg. No. 42,623

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036-5869
202-467-7000
202-467-7176



PATENT
Attorney Docket No. 46124-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 10 2001

TECH CENTER 1600/2900

In re Patent Application of:)
Masahiro IWAMOTO, et al.)
Application No.: 09/902,772)
Filed: July 12, 2001)
For: **CELL CALCIFICATION SUPPRESSING**)
PROTEINS, AND GENES OF)
THE PROTEINS)

Group Art Unit: 1653

Examiner: Not Yet Assigned

Commissioner for Patents
Washington D.C. 20231

SECOND PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination of the above referenced application, please amend the specification and claims as follows:

IN THE SPECIFICATION

Please substitute the following paragraph for the paragraph starting at line 10 on page 2 of the specification:

Fig. 1 illustrates the nucleotide sequence for c-erg CDNA (SEQ. ID No. 3) and the declared amino acid sequence for c-erg protein (SEQ. ID No. 4) where the nucleotide sequence lacking the underlined portion of the sequence in the figure corresponds to the C-11 gene nucleotide sequence according to this invention.

Repln. Ref: 05/07/2002 MMARML 0009320800
DAS:300310 Name/Number:09902772
FC: 704 \$350.00 CR

Please substitute original pages 27-34 with the enclosed paper copy of the SEQUENCE

LISTING submitted herewith. Please renumber original pages 35-38 as 34-37, respectively.

Adjustment date: 05/07/2002 MMARML
09/07/2001-0ZEMBIE1-00000044-09902772
02-FC:103 -125.00-0P
03-FC:104 -270.00-0P

I-WA/1662133.2

05/07/2002 MMARML 00000015 09902772

01 FC:103

36.00-0P